

REMARKS

Claims 1-23, 25-29-30, 32-39, 41-42, 44-49, 51-55, 57-62, 64-68, 70-72 and 87-95 were pending in the present application prior to the above amendments. Claims 11, 13, 15, 54, 55, 57, and 58 are currently amended. Claims 1-10, 16-23, 25, 29, 30, 32-39, 41-42, 44-48, 51-53, 61-62, 64-68, 70-72 and 87-95 are canceled. Claim 96 is newly presented. Claims 11-15, 54, 55, 57-60 and 96 are therefore pending.

Claim 11 is amended to recite a WAN interface, which is incorporated from dependent Claim 54.

The Examiner rejected Claims 11-15, 54-55, and 57-60 under 35 U.S.C. § 112, second paragraph, for being indefinite, the Examiner citing deficiencies in Claim 11, as to the recitation of "WAN," "the master list" and the "retrieving the requested content items via a WAN and performing the requested item locally." Accordingly, Claim 11 is amended to clarify these recitations. As amended, Claim 11 and its dependent Claims 12-15, 54-55 and 57-60 are each believed to fully comply with 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 11-15, 54, 55, and 57-60 based on 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,133,845 ("Ginter"). The Examiner states:

Ginter discloses electronic content, e.g., records, games, movies, a master list, e.g., 492 and a network comprising a LAN and WAN communicating over a network entertainment unit, e.g. 600, that uses a GUI programming process, e.g., creating VDE objects 300, using processing logic, e.g., Secure Processing Unit (SPU), digital processing logic, control logic (532), user input, e.g., 774, 2622, and local memory, e.g., 500. Ginter does not disclose the term remote central resource. However, Ginter does disclose obtaining entertainment content

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over the network and supplying it to the user input. Official Notice is taken that a remote central resource, the payment devices recited and infrared receiver/transmitters have been common knowledge in communication art. To have provided such for Ginter would have been obvious to one of ordinary skill in the art.

Applicants respectfully traverse the Examiner's rejection. As amended, Claim 11 recites a network entertainment unit that retrieves entertainment content items over an interface to a WAN from a remote central resource when the entertainment content item is not already stored locally:

11. (Currently amended) A network entertainment unit, comprising:

an interface to a wide area network (WAN), via which the network entertainment unit is coupled to a remote central resource, wherein the remote central resource stores entertainment content items available to be retrieved by the network entertainment unit for performance by the network entertainment unit, and;

a user interface, comprising a graphical user interface (GUI) and a user input device, that interacts with a user to allow the user to select one or more entertainment content items;

a local memory that stores a number of the entertainment content items and a master list of all of the entertainment content items, including entertainment content items available from a remote central resource; and

content management logic that, when a selected entertainment content item is not stored in the local memory, causes:

- i) requesting over the WAN interface the selected entertainment content item that is not stored in the local memory from the remote central resource;
- ii) receiving the requested entertainment content item via the WAN interface; and

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- iii) performing the received entertainment content item by the network entertainment unit.

However, contrary to the Examiner's assertions, the elements in Ginter on which the Examiner construes Claim 11's limitations not only do not meet the cited limitations, they are qualitatively very different subject matters. For example:

(a) Claim 11 recites that the "user interface, comprising a graphical user interface (GUI) and a user input device, that interacts with a user to allow the user to select one or more entertainment content items. However, the Examiner construes Claim 11's GUI on Ginter's creating VDE objects 300, which is not created using a user interface, but a program interface:

The preferred embodiment of the present invention includes various tools that enable system designers to directly insert VDE capabilities into their products. These tools include an Application Programmer's Interface ("API") and a Rights Permissioning and Management Language ("RPML"). The RPML provides comprehensive and detailed control over the use of the invention's features.

(Ginter, at col. 7, lines 37-43).

(b) Claim 11 recites a user input device which is part of the user interface, as pointed out in (a) above. The Examiner, however, construes the user input device on Ginter's 774 and 2622, which are disclosed respectively by Ginter as (i) the "Object Submission Manager" service 774 of operating system ROS 602, which "provides an interface between an application 608 and object switch 734" (Ginter, at col. 91, lines 45-49) and (ii) one or more removable/replaceable memory device(s) 2622 (Ginter at col. 232, lines 1-2).

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Thus, Applicants respectfully submit that Ginter neither teaches nor suggests Claim 11's network entertainment unit, including the "user interface" limitations. Reconsideration of the Examiner's obviousness rejection over Ginter is respectfully requested.

Similarly, the Examiner rejected Claims 11-15, 54, 55, and 57-60 based on 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,380 ("Murphy"). The Examiner states:

Murphy discloses e.g., Figs. 1, 7-9 and associated text, a network, e.g., LAN, WAN, GUI, a master list, e.g., Fig 5, for delivering entertainment content. Murphy does not disclose the term remote central resource. However, Murphy does disclose obtaining entertainment content over the network and supplying it to the user input device. Official Notice is taken that a remote central resource, the payment devices recited and infrared receiver/transmitters have been common knowledge in communication art. To have provided such for Murphy would have been obvious to one of ordinary skill in the art.

Applicants respectfully traverse the Examiner's rejection. Applicants' Claim 11 recites a master list residing at a local memory:

a local memory that stores a number of the entertainment content items and a master list of all of the entertainment content items, including entertainment content items available from a remote central resource;

Such a master list is neither disclosed nor suggested by Murphy. In fact, Murphy teaches that its master list (on which the Examiner based his rejection) is provided on a Master Authorization Server:

Referring to FIG. 5, an example of a Master Feed List maintained at the Master Authorization Server is shown. The Master Feed List is continuously updated with feed availability information sent by the local PoP servers. Any party that comes to the Master server site can view it.

(Murphy, at col. 12, lines 24-28)

Thus, Murphy teaches against maintaining a master list locally in a local memory, as recited in Applicants' Claim 11. Therefore, Murphy neither teaches nor suggests Applicants' Claim 11. Applicants' Claim 11, which recites a combination of a remote central resource and a network entertainment device provides a substantially broader range of entertainment experiences to the user than could be stored locally at an entertainment device that is not coupled to a remote central resource. This advantageously provides the user a flexible entertainment experience, as is shown in Figs. 13-27 of Applicant's application – in particular in Figs. 17-19 and in Figs. 24-26. Accordingly, Applicants submit that Claims 11 and its dependent Claim 12-15, 54, 55, and 57-60 are each allowable over Murphy. Reconsideration and allowance of Claims 11-15, 54, 55, and 57-60 are respectfully requested.

In light of the foregoing, Applicant respectfully requests that the rejections be withdrawn and the pending claims allowed. Should any other action be contemplated by the Examiner, it is respectfully requested that he contact the undersigned at (408) 392-9250 to discuss the application.

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The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

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